

To: Kivowitz, Sharon[Kivowitz.Sharon@epa.gov]
From: LaPoma, Jennifer
Sent: Tue 11/25/2014 2:35:08 PM
Subject: RE: NCHGW - PCE detections on 89 Frost St property

Yes, it states in the Next Millennium Realty LLC and 101 Frost St Associates against Adchem, Lincoln Processing, Northern State Realty .. court papers (Memorandum and Order CV 03-5985) that Marvex installed a dry cleaning machine at 89 frost street that was connected to an above-ground storage tank that contained PCE, which was regularly refilled via tanker truck delivery.

Also, the fire at 89 Frost St happened while Marvex had their operations there. The case paper (Not sure of the right term) stated that PCE was released in the fire to the subsurface at 89 Frost Street via floor drains. (Side note: highest concentrations observed during DEC's RI of 89 Frost St was in dry wells on property). These statements are consistent with at least one of the 104e responses received.

Here is an excerpt with highlighted relevant Marvex discussion:

(3) Operations at the 89 Frost Street Site

Shortly after the Property's certificate of occupancy was issued in August 1966, Lincoln's, a textile processor, subleased and operated at 89 Frost Street until about 1972. (*Id.* at ¶¶ 107-09.)

On March 25, 1969, Pufahl Realty changed its name to Northern State Realty Corp., and on May 21, 1973, Northern State Realty Corp. assigned the Lease to NSR Co., a general partnership that managed real property. (Defs. 56.1 Counter Stmt. ¶¶ 9-10.) The Pufahl Brothers were the partners of NSR Co. from its formation in 1973 until the death of Herman Pufahl in 1995. (*Id.* at ¶ 13.)

On May 22, 1973, NSR Co. subleased 89 Frost Street to 89 Frost Street Leasing Co. for a term to commence June 1, 1973 (the "Sublease"). (Pls. 56.1 Counter Stmt. ¶ 15.) Pursuant to a rider to the Sublease, 89 Frost Street was occupied by Marvex Processing and Finishing Corporation ("Marvex"), a non-party dissolved corporation, from 1973-76. (*Id.*) Marvex installed a dry cleaning machine at the site that was connected to an above-ground storage tank that contained PCE, which was regularly refilled via tanker truck delivery. (*Id.* at ¶¶ 16, 122.) Marvex's dry cleaning machine was connected to a solvent still, and Marvex stored 55-gallon drums at the site during the term of the Sublease. (*Id.* at ¶¶ 123-24.)

On May 30, 1976, there was a fire at 89 Frost Street which destroyed the manufacturing area of the site, including Marvex's dry cleaning machine (the "1976 Fire"). (*Id.* at ¶¶ 128-29.)

The PCE released in the fire was released to the subsurface at 89 Frost Street via floor drains. (*Id.* at ¶ 131.) Marvex's foreman was convicted of arson in connection with the 1976 fire. (*Id.* at ¶ 133.) It is undisputed that either through its manufacturing activity or following the fire, Marvex contributed PCE to the 89 Frost Street Site.

This link will take you to the referenced doc :

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=http%3A%2F%2Felr.info%2Fstore%2Fdownload%2F107898%2F8691&ei=9lp0VK_gElKmgwTUtYJI&usg=AFQjCNEXPRkbf33ypjst-SxCHHW6jWbYA&bvm=bv.80185997,d.eXY

From: Kivowitz, Sharon
Sent: Monday, November 24, 2014 5:07 PM
To: LaPoma, Jennifer
Subject: RE: NCHGW - PCE detections on 89 Frost St property

Do we know if Marvex used PCE? Could all this PCE come from a small closed loop dry cleaning machine?

From: LaPoma, Jennifer
Sent: Monday, November 24, 2014 5:05 PM
To: Kivowitz, Sharon
Subject: NCHGW - PCE detections on 89 Frost St property

Sharon,

PCE in addition to TCE and other VOCs were found on the 89 Frost Street property.
I looked at the DEC's 1998 RI for the Frost Street properties. I attached some figures from the RI that show the locations of the detections.

Subsurface Soils – Sediments – coincides with dry wells locs

89-DW-11 – 47,000 ug/L of PCE (28-32 feet bgs)

89-DWA-14 – 2,400 ug/L of PCE (51-53 feet bgs)

Standing water in drywell 89-DWA-14 had PCE concentration of 5,600 ug

On-property groundwater

FSMW-4A

High concentrations of PCE found at FSMW-4 A(120,000 ug/L). Concentration so high it is indicative of DNAPL.

FSMW-4 is located southwest corner of the 89 Frost St property

4A is set at 70 feet bgs

4B is set at 150 feet bgs

FSMW-3 (see figure) PCE detected here as well.